

W. R. WILLIAMSON

IBLA 75-122

Decided February 20, 1975

Appeal from a decision of the Manager, Folsom, California, District Office, Bureau of Land Management, rejecting in part appellant's application for a grazing lease (C 4-S2 4120).

Appeal dismissed.

1. Rules of Practice: Appeals: Dismissal -- Rules of Practice: Appeals: Statement of Reasons

An appeal to the Board of Land Appeals will be dismissed when the appellant fails to file a statement of reasons therefor within the time allowed.

APPEARANCES: W. R. Williamson, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

On August 21, 1974, W. R. Williamson filed a notice of appeal from that part of a decision dated July 23, 1974, by the Manager, Folsom, California, District Office, Bureau of Land Management, which rejected in part appellant's application for a grazing lease under section 15 of the Taylor Grazing Act of 1934, as amended, 43 U.S.C. § 315m (1970), and offered to Clifton E. J. Hodge a lease of 140 of the 180 acres of lands in conflict in lease applications submitted by Hodge and appellant.

Appellant's notice of appeal states in its entirety:

In reference to C4-S2 4121 [sic], I hereby appeal the decision on 140 acres.

T. 1 N., R. 14 E., MER., CA
Sec. 19: SE 1/4 NE 1/4, N 1/2
NE 1/4 SE 1/4, NW 1/4 SE 1/4
Sec. 20: SW 1/4 NW 1/4.

You admit Mr. Hodge, and myself Mr. Williamson qualify equally.

With respect to the lands at issue, the District Manager actually held, alluding to the factors enumerated in 43 CFR 4121.2-1(d)(2) which govern the allocation of public lands under grazing lease in the event of conflicting applications:

Under the above mentioned factors, the applicants qualify equally for a grazing lease on the remaining 140 acres in conflict except under (iv) general needs of the applicants. Mr. Hodge has shown a greater need for the grazing resource than Mr. Williamson. * * *
[Emphasis added.]

[1] Inasmuch as appellant failed to set forth in his notice of appeal any reason for challenging the District Manager's finding of a greater need for the lands on the part of Mr. Hodge, a separate statement of reasons was required to be filed within 30 days after the filing of the notice of appeal. 43 CFR 4.412. No such statement has been filed and no reason has been given for the omission. Therefore, the appeal is subject to summary dismissal. 43 CFR 4.402(a).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal from the District Manager's decision is dismissed.

Joan B. Thompson
Administrative Judge

I concur:

Newton Frishberg
Chief Administrative Judge

ADMINISTRATIVE JUDGE LEWIS CONCURRING SPECIALLY:

Without passing on whether appellant has filed a sufficient statement of reasons, I would find he has not in his appeal addressed himself to the finding below that the successful applicant, Mr. Hodge, had shown the greater need for the lease. Therefore, I would affirm the District Manager's decision.

Anne Poindexter Lewis
Administrative Judge

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